

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MALISSIA M. MILLER,

Plaintiff,

v.

Civil Action No.5:07-cv-131

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

**ORDER GRANTING PLAINTIFF'S APPLICATION TO PROCEED IN FORMA
PAUPERIS**

On October 9, 2007, Malissia Miller, ["Claimant"], filed a complaint for review of Defendant's denial of Claimant's application for Social Security benefits pursuant to 42 U.S.C. § 405(g) and 42 U.S.C. § 1381(c)(3) and an Application for Leave to Proceed in forma pauperis. Claimant's application reveals that Claimant is not employed and presently does not have any source of income. Claimant is without savings. Claimant does not own an automobile or any real estate, stocks, bonds, notes or other valuable property. Claimant states Claimant provides for Claimant and Claimant's family.

Accordingly, it is ORDERED that Claimant's October 9, 2007 Application to Proceed in forma pauperis is GRANTED. The Clerk of the Court is directed to notify the United States Marshal Service who shall serve process pursuant to Federal Rule of Civil Procedure 4(c)(2). Any recovery in this action will be subject to payment of fees and costs, including service of process fees and the \$350.00 filing fee.

DATED: October 29, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE